

REMARKS

Receipt of the Office Action mailed December 31, 2008 is hereby acknowledged. Applicants have amended claim 1 to recite that liquid B is a gelling agent selected from the group consisting of acrylate esters, methacrylate esters, and vinyl chloride monomers. This amendment is supported in the specification as follows. The use of methacrylate esters and acrylate esters is described in the specification at page 12, ¶ [0020], lines 8-12. The use of vinyl chloride monomers is described in the specification at page 4, ¶[0006], lines 19-24 (describing a monomer of a thermoplastic resin as a gelling agent) and page 8, ¶[0014], lines 18-20 (listing vinyl chloride copolymers and polyvinyl chloride as thermoplastic resins).

Claim 13 has been amended to delete the parentheses objected to by the Examiner, obviating this rejection.

No new matter has been added.

Rejection under 35 U.S.C. § 102

The Examiner has rejected claims 1-2, 10, and 12 under 35 U.S.C. §102(b) as allegedly anticipated by Schwartz, et al., U.S. Patent No. 2,872,429 ("Schwartz").

Applicants traverse this rejection. Schwartz discloses a method for preparing an elastomeric plastigel which comprises plasticizing a powdered thermoplastic resin with a compatible plasticizer and a sufficient quantity of at least one gelling accelerator. See, col. 1, lines 62-72.

The gelling agents/gelling accelerators described by Schwartz include some glycols and butyl lactate. See, col. 4, lines 4-14. However, Schwartz does not teach or suggest the use of acrylate esters, methacrylate esters, and vinyl chloride monomers as a gelling agent, gelling accelerator, or plasticizer. Claim 1, as amended - as well as claims 2, 10, and 12, each of which depends from claim 1 - recites a gelling agent selected from the group consisting of acrylate esters, methacrylate esters, and vinyl chloride monomers. Therefore, Schwartz cannot anticipate claims 1-2, 10, or 12, and the rejection under § 102(b) should be withdrawn.

Rejection under 35 U.S.C. § 102/103

Claims 11 and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as unpatentable over, Schwartz. Applicants traverse this rejection. Claims 11 and 13

depend from claim 1 but recite specific viscosities and/or gelling times for the curable composition. As discussed above, Schwartz does not disclose, teach or suggest the basic composition recited in claim 1. Accordingly, neither claim 11 nor claim 13 can be anticipated by or obvious over Schwartz, necessitating withdrawal of this rejection.

Rejection under 35 U.S.C. § 103

Claims 7-8 and 14-16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable Schwartz in view of Nakano, et al., U.S. Patent No. 5,166,229 ("Nakano"). The Examiner relies on Nakano to cure the deficiencies of Schwartz with respect to the thermosetting resin and a latent curing agents recited in claims 7-8 and the use of the composition in an automobile assembly line as recited in claims 14-16. Applicants traverse.

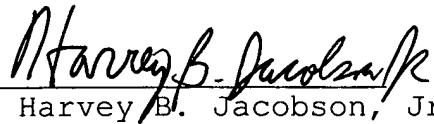
Even if a person of ordinary skill in the art were to have combined the teachings of Schwartz and Nakano, he or she would not have arrived at the presently claimed invention. As discussed above, Schwartz fails to teach or suggest the gelling agents set forth in claim 1 (from which claims 7-8 and 14-16 depend). Nakano does not cure these deficiencies. Accordingly, claims 7-8 and 14-16 would not

have been obvious to a person of ordinary skill in the art
a the time the invention was made over Schwartz in view of
Nakano. Therefore, applicant respectfully requests
withdrawal of this rejection.

Conclusion

With this amendment and the foregoing remarks, it
is respectfully submitted that the present application is
in condition for allowance. Should the Examiner have any
questions or comments, the Examiner is cordially invited to
telephone the undersigned attorney.

Respectfully submitted,
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